



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Spectrum Enforcement Division
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 14, 2007

Oscar Resto
P. O. Box 22756
San Juan, PR 00931-2756

RE: Amateur license KP4RF repeater operations; Case #EB-2007-2986

Dear Mr. Resto:

Enclosed is a complaint from the Puerto Rico Virgin Islands Volunteer Frequency Coordinators, Inc., (PRVI) concerning interference from your station operating on 145.450 MHz to coordinated repeater KP4IA, operating on 145.370 MHz.

The interference problem apparently results from mixing of your output signal with another signal. As a result, although your repeater is coordinated you are responsible for correcting the interference problem. PVRI has found and coordinated another frequency pair for you that would cure the present interference problem as well as another interference situation involving other coordinated repeater stations.

Information before the Commission indicates that you have declined to change frequencies of your repeater. Section 97.101(b) of the Commission's rules, 47 C.F.R. § 97.101(b), provides that "each station licensee and each control operator must cooperate in selecting transmitting channels and in making the most effective use of the Amateur service frequencies." Section 97.101(d), 47 C.F.R. § 101(d), states that "no amateur operator shall willfully or maliciously interfere with or cause interference to any radio station or signal." Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 308(b), gives the Commission the authority to request information from a licensee regarding the operation of a radio station. Accordingly, you are requested to respond to this letter within 20 days from receipt indicating what action you intend to take to solve the signal mixing problem and prevent the resulting interference to the KP4IA repeater.

We are required to advise you that Congress has made punishable a willfully false or misleading reply to an inquiry of this type. See Title 18, Section 1001 of the *United States Code*. The information you submit will be used to determine what, if any, action to take in this matter.

Please note that failure to cooperate in resolving the interference will result in removal of your automatic control privileges. See Section 97.109(d), 47 C.F.R. § 97.109(d). This means that, in order to prevent interference to KP4IA, your station could not operate in the absence of a control operator responsible for each transmission of your repeater.

Please call me at 717-338-2502 if you have any questions about this matter.

Sincerely,

W. Riley Hollingsworth
Special Counsel

Enclosure

cc: FCC South Central Regional Director